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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KRISTEN BURKE,

ECF Case
07 Civ. 3792 (GBD)

Plaintiff,

-against-

NOTICE OF MOTION

DANIEL RODRIGUEZ,

Defendant.

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PLEASE TAKE NOTICE, that upon the Amended Complaint dated May 24, 2007, and the defendant's Memorandum of Law submitted herewith, and the prior proceedings herein, the defendant shall before the Honorable George B. Daniels, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York in Court Room No. 15D, on _____, 2007 at _____ o'clock or as soon thereafter as counsel can be heard, move this Court, pursuant to Rules 7(b), 8(a), 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing the Amended Complaint.

Dated: June 26, 2007
New York, New York

KUDMAN TRACHTEN ALOE LLP
Attorneys for Defendant

By: /s/ Gary Trachten
Gary Trachten (GT 5480)